

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	NO. 4:22-CR-371-O
	§	
HAI MINH BUI (02)	§	

**DEFENDANT’S SECOND UNOPPOSED MOTION TO CONTINUE
TRIAL AND ALL PRETRIAL DEADLINES**

TO THE HONORABLE REED O’CONNOR,
UNITED STATES DISTRICT JUDGE
FOR THE NORTHERN DISTRICT, FORT WORTH DIVISION:

NOW COMES *HAI MINH BUI* (“Bui”) by and through his attorney of record, J. Eric Nickols, and hereby files this Defendant’s Unopposed Motion to Continue Trial and all Pretrial Deadlines, in support thereof, would respectfully show the Court as follows:

1. Trial is set for March 13, 2023.
2. Undersigned counsel begins trial on a capital murder on February 27, 2023 in *State of Texas v. James Staley*, case numbers 1744347, 1744358, and 1744359. That trial is docketed to last for two weeks through March 10, 2023.
3. More importantly, counsel has not worked for the prior two weeks due to a family medical issue. That issue remains and is extremely sensitive.

Counsel would welcome the opportunity to discuss with the Court in chambers, but due to the sensitivity of the issue, would prefer not to put it in writing.

4. Undersigned counsel has communicated with Assistant United States Attorney Shawn Smith and counsel for co-Defendant Lacie Whisenant, Cody Cofer. Neither has an objection to this motion.
5. Assistant United States Attorney Shawn Smith does not have any conflicting trial settings over the next ninety days. Cody Cofer has conflicts on the following dates: March 3, March 16, March 27-31, April 6, May 4-8, May 12 and May 30. The only conflict for undersigned counsel is April 3-7.
6. This motion is made for the interests of justice and not for the purpose of delay.

WHEREFORE, PREMISES CONSIDERED, Defendant prays this Honorable Court grant this Defendant's Unopposed Motion to Continue Sentencing.

Respectfully submitted,

/s/ J. Eric Nickols

J. Eric Nickols

Texas State Bar No. 24041594

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Defendant's Unopposed Motion to Continue Sentencing has been served on the Assistant United States Shawn Smith and on Cody Cofer, counsel for Lacy Whisenant, on this the 23rd day of February 2023.

/s/ J. Eric Nickols

J. ERIC NICKOLS

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Assistant United States Attorney Shawn Smith and Cody Cofer, attorney for Lacy Whisenant, regarding this motion. Neither are opposed.

/s/ J. Eric Nickols

J. ERIC NICKOLS